

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Cassandra Fenkel	Team: Squad #14	CCRB Case #: 201700666	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/21/2017 11:30 PM	Location of Incident: Front of 1693 Nostrand Avenue	Precinct: 67	18 Mo. SOL 7/21/2018	EO SOL 7/21/2018	
Date/Time CV Reported Sun, 01/22/2017 12:03 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 01/26/2017 11:33 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. POM Brandon Leung	15769	957766	067 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Ronnie Rivera	10655	955385	067 PCT
2. POM Wilfredo Ramos	535	954897	067 PCT
3. POM Daohui Tang	16165	955558	067 PCT
4. POM Kenneth Triolo	13535	957229	067 PCT
5. SGT Alan Chau	01257	940986	067 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Off. Language: An officer made remarks to § 87(2)(b) and § 87(2)(b) based upon race.	
B. Officers	Abuse: Officers stopped § 87(2)(b) and § 87(2)(b)	
C. POM Brandon Leung	Force: Police Officer Brandon Leung used physical force against § 87(2)(b)	
D. An officer	Force: An officer used physical force against § 87(2)(b)	
E. POM Brandon Leung	Discourtesy: Police Officer Brandon Leung spoke discourteously to § 87(2)(b)	
F. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
G. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	
H. An officer	Abuse: An officer searched § 87(2)(b)'s property.	

Case Summary

On January 22, 2017, § 87(2)(b) called the Internal Affairs Bureau Command Center and filed this complaint on behalf of her daughters, § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not witness this incident. This complaint was received at the CCRB on January 24, 2017.

On January 21, 2017, at approximately 11:30 p.m., § 87(2)(b) and § 87(2)(b) went to a party held at a rental hall, located at 1693 Nostrand Avenue in Brooklyn. Within five minutes of their arrival, approximately 15 officers shut the party down. § 87(2)(b) and § 87(2)(b) left the venue, but waited outside to have their entrance fee refunded. While outside, a friend informed them that gunshots were fired on Nostrand Avenue. § 87(2)(b) and § 87(2)(b) ran southbound on Nostrand Avenue to flee the area and officers pursued them (**Allegation A**).

§ 87(2)(b) and § 87(2)(b) alleged that as they ran, an officer referred to them both as “nigger.” (**Allegation B**). § 87(2)(b) and § 87(2)(b) became separated.

§ 87(2)(b) was apprehended by PO Brandon Leung of the 67th Precinct and unidentified officers at the intersection of Nostrand Avenue and Clarendon Road. § 87(2)(b) was apprehended by unidentified officers in front of 1734 Nostrand Avenue.

§ 87(2)(b) alleged that PO Leung (identified by the investigation), pushed her against a parked vehicle (**Allegation C**). § 87(2)(b) was allegedly pushed into a storefront window by an unidentified officer (**Allegation D**).

After she was apprehended, § 87(2)(b) requested that she be taken to § 87(2)(b). In response, PO Leung and an unidentified officer allegedly stated, “Shut the fuck up” (**Allegation E, Allegation F**). As § 87(2)(b) was being escorted to an NYPD vehicle, she again requested that she be taken to her sister. PO Leung again allegedly told § 87(2)(b) “No shit, Sherlock” (**Allegation E continued**).

§ 87(2)(b) and § 87(2)(b) were placed inside a marked patrol car. An unidentified officer allegedly informed § 87(2)(b) that she and § 87(2)(b) would be charged with gun possession (**Allegation G**). § 87(2)(b) asked the officers to call her older brother because he is an NYPD detective, and PO Leung allegedly stated, “Shut the fuck up” and “No shit, Sherlock” (**Allegation E continued**).

While seated in the patrol car, § 87(2)(b) observed an unidentified officer search her wristlet, which she had dropped along Nostrand Avenue, before returning it to her (**Allegation H**). § 87(2)(b) and § 87(2)(b) were taken out of the patrol car and released at the scene. They then walked home. No arrests or summonses resulted from this incident.

There is no video footage of the incident.

This case was initially assigned to Investigator Cassandra Fenkel, was reassigned to Investigator Daniel Giasante on February 13, 2017, and was reassigned back to Investigator Fenkel on February 27, 2017.

This case was delayed because it took approximately three weeks to obtain sworn statements from § 87(2)(b) and § 87(2)(b). It was further delayed due to difficulties in identifying subject officers.

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.

- As of June 14, 2017, a Notice of Claim has not been filed with the NYC Comptroller's Office regarding this incident (Board Review 02).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving [§ 87(2)(b)] and [§ 87(2)(b)] (Board Review 06, Board Review 07).
- This is the second CCRB complaint associated with [§ 87(2)(b)]. In CCRB case #9100835, a discourteous language allegation was closed as conciliated (Board Review 08).
- PO Leung has been a member-of-the-service for two years. This is his first CCRB complaint.

Potential Issues

The CCRB's Field Evidence Collection Unit canvassed for video footage on February 23, 2017 with negative results (Board Review 09, Board Review 10).

Findings and Recommendations

Explanation of Subject Officer Identification

Neither [§ 87(2)(b)] nor [§ 87(2)(b)] obtained any officers name or shield number during this incident and no Stop, Question, and Frisk Report Worksheets were prepared for either civilian (Board Review 11, Board Review 12).

[§ 87(2)(b)] (Board Review 13) said she saw at least 15 officers shutting down the party, and later saw 10 officers chasing her. The Event documents (Board Review 14) identified five units from at least two different commands who put over the radio that they arrived to the location. The 67th Precinct's Sector E (Board Review 15) was comprised of PO Wilfredo Ramos (Board Review 16) and PO Ronnie Rivera (Board Review 17) and they were listed as responding to the party [§ 87(2)(b)] and [§ 87(2)(b)] attended. Both were interviewed, but denied interacting with [§ 87(2)(b)] and [§ 87(2)(b)]. PO Ramos identified PO Leung (Board Review 18), PO Daohui Tang (Board Review 19), PO Kenneth Triolo (Board Review 20), and PO Rodney Davis (Board Review 21), all of the 67th Precinct, as being involved in the apprehension of [§ 87(2)(b)] but each of these officers were interviewed and denied participating in or witnessing her apprehension.

PO Leung denied interacting with [§ 87(2)(b)] but acknowledged interacting with [§ 87(2)(b)] [§ 87(2)(b)] described the officer who allegedly pushed her and used profanity towards her as an Asian male standing approximately 6'0" tall, with an average build, black hair, in his mid-thirties, and dressed in uniform. PO Leung's CCRB Interview Report Worksheet (Board Review 22) identifies him as a [§ 87(2)(b)]-old Asian male standing 5'7" tall, weighing 150 pounds, with black hair, who was dressed in uniform on the date of the incident.

[§ 87(2)(g)]

PO Leung said he apprehended [§ 87(2)(b)] with a white male officer, but he did not know that officer's name or command. The only identified officer who is a white male is PO Triolo, but he stated that he remained near the rental hall for the entirety of this incident. PO

Leung said he began pursuing § 87(2)(b) as other unidentified officers were already in pursuit of her. He followed suit to assist these officers, who he assumed were pursuing § 87(2)(b) in connection with the shots fired call.

The NYPD radio communication CD (Board Review 23) revealed that a radio run for an assault was put over the radio at approximately 11:12 p.m. An unidentified officer, who appeared to be running, called over the radio and provided an unnamed suspect's location as Nostrand Avenue and Courtelyou Road, and the unnamed suspect's travel direction as westbound on Clarendon Road. However, no description of the suspect was provided, and a search of the NYPD Booking, Arraignment, and Disposition System revealed negative results for anyone arrested in connection with this incident (Board Review 24).

§ 87(2)(g)

Allegation A – Abuse of Authority: Officers stopped § 87(2)(b) and § 87(2)(b)

Allegation B – Offensive Language: An officer made remarks to § 87(2)(b) and § 87(2)(b) based upon race.

Allegation D - Force: An officer used physical force against § 87(2)(b)

Allegation F – Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation G – Abuse of Authority: An officer threatened to arrest § 87(2)(b)

Allegation H – Abuse of Authority: An officer searched § 87(2)(b) s property.

§ 87(2)(g)

Allegation C – Force: Police Officer Brandon Leung used physical force against § 87(2)(b)

§ 87(2)(b) testified that when she stopped running, an unidentified officer grabbed both of her arms and PO Leung pushed her by her upper back so that her chest forcefully collided with the rear window of a parked vehicle. § 87(2)(b) did not sustain any injury as a result of this forceful action.

§ 87(2)(b) (Board Review 25) did not witness this aspect of the incident, as she and § 87(2)(b) became separated prior to this point.

PO Leung testified that § 87(2)(b) stopped running on her own accord after approximately one block. PO Leung and the unidentified officer grabbed § 87(2)(b) s arms and placed her chest against a parked vehicle to accommodate the unidentified officer handcuffing her. PO Leung denied that this was a forceful action and denied that § 87(2)(b) was physically resistant to being handcuffed. PO Leung denied that any officer pushed § 87(2)(b) against the car. PO Leung believed the unidentified officer handcuffed § 87(2)(b) in relation to the shots fired call.

PO Ramos, PO Tang, PO Rivera, Sgt. Chau (Board Review 26) and PO Triolo denied participating in or witnessing this aspect of the incident.

§ 87(2)(g)

Allegation E – Discourtesy: Police Officer Brandon Leung spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that when she repeatedly requested to be brought to § 87(2)(b) PO Leung said “Shut the fuck up” and “No shit, Sherlock. I’m going to bring you to your sister.” § 87(2)(b) was ultimately placed inside a marked patrol car with § 87(2)(b) While there, PO Leung opened the front driver’s side door of the patrol car and again allegedly told § 87(2)(b) “Shut the fuck up” and “No shit, Sherlock.” § 87(2)(b) was unable to recall more of the context surrounding these statements.

§ 87(2)(b) denied that any officer stated “Shut the fuck up” or “No shit, Sherlock” when she was inside the patrol car with § 87(2)(b)

PO Leung denied stating “Shut the fuck up” and “No shit, Sherlock” and no officer interviewed acknowledged hearing him do so.

§ 87(2)(g)

Squad: #14

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date